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C O N F I D E N T I A L STATE 049690

SIPDIS

E.O. 12958: DECL: 05/13/2019
TAGS: [EAIR](#) [ETRD](#) [ETTC](#) [PGOV](#) [PREL](#) [SP](#) [SY](#) [UK](#)
SUBJECT: AIRCRAFT IN EXETER EN ROUTE TO SYRIA (CHAM PEARL AIRWAY)

REF: A. MADRID 468
[1](#)B. MADRID 462
[1](#)C. STATE 47933
[1](#)D. MADRID 439
[1](#)E. MADRID 413
[1](#)F. DAMASCUS 295

Classified By: EUR PDAS Nerissa Cook for Reasons 1.4 (b) and (d)

[1](#)1. (SBU) This is an action request. Embassy London is requested to provide Flybe Aviation Services with a copy of the Temporary Denial Order (TDO) and deliver the talking points below as soon as possible May 15. Embassy is requested to share talking points with the FCO and seek their assistance to exercise any available authorities the UK may have to prevent the aircraft from being transferred to Syria.

TALKING POINTS

[1](#)2. (SBU) The point of contact information for Flybe Aviation Services is Lennie Kent, Telephone: 44 1392 266908, Mobile: 44-7970-449805, Email: lennie.kent@flybe.com. These points may be left behind:

--On May 7, 2009, the Department of Commerce's Bureau of Industry and Security (BIS) issued a TDO against Orion and Syrian Pearl Airlines. This TDO temporarily denies the exporting privileges of Orion Air and Syrian Pearl Airlines for 180 days.

--Under terms of the TDO, any person is prohibited from:

[1](#)A. Exporting or re-exporting to or on behalf of Orion Air or Syrian Pearl Airlines any item subject to the Export Administration Regulations (EAR);

[1](#)B. Taking any action that facilitates the acquisition or attempted acquisition by Orion Air or Syrian Pearl Airlines of the ownership, possession, or control of any item subject to the EAR that has been or will be exported from the United States, including financing or other support activities related to a transaction whereby Orion Air or Syrian Pearl Airlines acquires or attempts to acquire such ownership, possession or control;

[1](#)C. Taking any action to acquire from or to facilitate the acquisition or attempted acquisition from Orion Air or Syrian Pearl Airlines of any item subject to the EAR that has been exported from the United States;

[1](#)D. Obtaining from Orion Air or Syrian Pearl Airlines in the United States any item subject to the EAR with knowledge or reason to know that the item will be, or is intended to be, exported from the United States; or

[1](#)E. Engaging in any transaction to service any item

subject to the EAR that has been or will be exported from the United States and which is owned, possessed or controlled by Orion Air or Syrian Pearl Airlines, or service any item, of whatever origin, that is owned, possessed or controlled by any Denied Person if such service involves the use of any item subject to the EAR that has been or will be exported from the United States. For purposes of this paragraph, servicing means installation, maintenance, repair, modification or testing.

--The Department of Commerce has received information that Flybe Aviation Services may be in possession of and performing maintenance on an Orion Air BAE 146-300 aircraft, tail number EC-JVJ, serial number 3195.

--The Department of Commerce has determined that this aircraft is an item subject to the EAR (U.S. export controls). Delivery of this aircraft by Flybe, or any other action that would facilitate Orion Air or Syrian Pearl Airlines obtaining possession or control of this aircraft, would violate the Department of Commerce TDO.

--Additionally, maintenance or servicing of the Orion Air aircraft with parts or technology subject to the EAR would also result in a violation.

--If Flybe violates the TDO, it may be subject to criminal and/or administrative penalties.

--Violations of the Export Administration Act of 1979, as amended (EAA), 50 U.S.C. app. 2401-2420 (2000), and the Export Administration Regulations, 15 C.F.R. Parts 730-774 (2007) (EAR) may be subject to both criminal and administrative penalties. Criminal penalties can reach \$1,000,000 and 20 years imprisonment per violation and the administrative penalties can reach the greater of \$250,000 per violation or twice the amount of the transaction that is the basis of the violation.

--Violators may also be subject to denial of their export privileges. A denial of export privileges prohibits a person from participating in any way in any transaction subject to the EAR. Furthermore, it is unlawful for other businesses and individuals to participate in any way in an export transaction subject to the EAR with a denied person.

--If Flybe has any questions regarding this issue, they should directly contact BIS. POCs for contact are Joe Jest on 202-482-5301 or John Sonderman on 202-482-6455.

REPORTING DEADLINE

13. (SBU) Please report responses by cable by May 18.

BACKGROUND

14. (C) Multiple Syrian websites have reported that Syrian Pearl Airways (SPA), also known as Cham Pearl, has leased two BAE 146-300 aircraft from Spanish company Orion Air. Orion Air confirmed to Embassy Madrid that one plane has been sent to Syria, despite the Department of Commerce's TDO. BIS recently learned that the second plane is in the UK and is scheduled to go to Syria on May 15. Commerce issued the TDO because Orion Air did not procure the appropriate export licenses needed because the two aircraft contain more than 10% U.S. origin content. Under U.S. sanctions, exports of U.S.-origin goods (or goods with more than 10% U.S.-origin parts and components) to Syria are prohibited, except for food and medicine or specific instances where a case-by-case review determines the item qualifies for a waiver.

POINT OF CONTACT

15. (SBU) Please contact Syria Desk Officer Allison Monz (NEA/ELA) at (202) 647-1131 or via e-mail at monzam@state.gov

for further information.
CLINTON